

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

**JEFFERY D. MORGAN
ADC #078410**

PLAINTIFF

v.

Case No. 2:13-cv-00164-KGB/HDY

**ARKANSAS DEPARTMENT
OF CORRECTION, *et al.***

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge H. David Young recommending dismissal of plaintiff Jeffery D. Morgan's claims against defendant Sharon Lachney (Dkt. No. 86) and Mr. Morgan's objections (Dkt. No. 103). After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. The Court dismisses without prejudice Mr. Morgan's claims against Ms. Lachney.

The Court has also reviewed the Proposed Findings and Recommendations submitted by Judge Young concerning defendants' motions for summary judgment (Dkt. No. 112). Mr. Morgan filed a motion for extension of time to object to these Proposed Findings and Recommendations (Dkt. No. 113) and subsequently filed his objections (Dkt. Nos. 114, 115). The Court grants the motion for extension and has considered the objections. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. The Court grants defendants' motions for summary judgment (Dkt. Nos. 91, 95), dismisses with prejudice Mr.

Morgan's claims against defendants Monicka Branscomb and the Arkansas Department of Correction, and dismisses without prejudice Mr. Morgan's complaint in all other respects.

It is therefore ordered that:

1. The Court dismisses without prejudice Mr. Morgan's claims against Sharon Lachney.
2. The Court grants defendants' motions for summary judgment (Dkt. Nos. 91, 95) and dismisses Mr. Morgan's complaint.
3. Mr. Morgan's complaint is dismissed with prejudice with respect to his claims against defendants Monicka Branscomb and the Arkansas Department of Correction and is dismissed without prejudice in all other respects.
4. The Court certifies that an *in forma pauperis* appeal taken from the Order and Judgment dismissing this action is considered frivolous and not in good faith.

SO ORDERED this the 28th day of May, 2015.

A handwritten signature in black ink, appearing to read "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker
United States District Judge